

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5445 of 2023

Arising Out of PS. Case No.-283 Year-2022 Thana- TARIYANI CHOWK District- Sheohar

1. AKHILESH MAHATO S/O PRABHU MAHATO R/v- Sonbarsa, P.S.- Tariyani, District- Sheohar
2. PRABHU MAHATO S/O KRISHN NANDAN MAHATO R/v- Sonbarsa, P.S.- Tariyani, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Patel, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Tariyani P.S. Case No. 283 of 2022 dated 18.09.2022 registered for the offence under Sections 302 and 34 of the Indian Penal Code.

The petitioners along with others are alleged to have assaulted the father of the informant by means of lathi and iron rod as a result of which he sustained injury and died during course of treatment.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that from bare perusal of the F.I.R. it appears that no specific allegation of assault or any overt act is



attributed to the petitioners rather there is general and omnibus allegation leveled against the petitioners. He further submits that due to previous land dispute between the parties, these petitioners have been made accused in this case. He further submits that the postmortem report does not support the allegation as alleged in the F.I.R. against the petitioners. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 23.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Tariyani P.S. Case No. 283 of 2022 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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